

Chang, Lisa

From: Chang, Lisa
Sent: Tuesday, June 23, 2015 3:54 PM
To: Castanon, Lisa
Cc: Bonifaci, Angela; Fournier, Tony
Subject: Question about authority to intervene on LO subaward funding decision

Importance: High

Hi Lisa,

Are you still the correct ORC contact for grants questions? The Puget Sound program has had some discussion with the Grants program (Tony Fournier) and he has suggested bringing ORC into this discussion. An overview of the issue is in the message below. We are scheduled to discuss this issue with the grantee and its subawardee on Friday.

If you are the right ORC attorney, would you be available to talk with me about this issue on Wednesday, Thursday, or Friday (Friday morning only) of this week?

Lisa

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From: Chang, Lisa
Sent: Tuesday, June 02, 2015 11:12 AM
To: Fournier, Tony
Cc: Opalski, Dan; Downs, Yvette; Bonifaci, Angela; Bonifacino, Gina
Subject: Question about authority to intervene on LO subaward funding decision
Importance: High

Hi Tony,

To follow up on our hallway discussion when I bumped into you up here a few minutes ago, we'd like to know what our authority is to intervene on an LO funding decision. Here is the situation:

- Under its cooperative agreement with us, the NWIFC LO annually requests proposals from Puget Sound tribes and tribal consortia for projects to protect and restore Puget Sound.
- In 2014, as in other years, NWIFC issued its annual RFP, which includes the following statement of purpose (my emphasis):

"The purpose is to provide sub-awards to 19 Federally-recognized Indian Tribes located within the greater Puget Sound Basin, and any authorized consortium of these eligible Tribes, to implement projects that are of high Tribal priority and that are identified in or consistent with the Action Agenda, such as activities in existing recovery plans, which will contribute directly to the restoration and protection of Puget Sound. Types of activities to be funded under the subaward process set up under this Cooperative Agreement can encompass any work for which there is a strong, well-documented and supported need within the framework of Puget Sound protection and restoration efforts..."
- The Swinomish Tribe has submitted a proposal for funding under this 2014 RFP; this project is the continuation of a project that has been funded for the past several years under the NWIFC LO program. Briefly, the purpose

of the project is to "first collect information on public perceptions of water quality in the Skagit Basin, and then to conduct a public education effort that would lead to improved practices and regulatory certainty that instream resources would be protected, consistent with the Skagit Chinook Recovery Plan."

- We have reviewed and commented on the project in previous years. We have expressed concern with other aspects of the proposal in the past, but the subawardee has addressed the concerns and the project has proceeded.
- However, with the proposal for 2014 funds, in conjunction with reviewing some of the products produced in earlier years of the award, EPA staff now believe that the proposed work does not meet the stated purpose of the RFP and may even undermine it. Specifically, we believe that the project as actually implemented is not "consistent with the Action Agenda" and can no longer demonstrate "a strong, well-documented and supported need within the framework of Puget Sound protection and restoration efforts."
- Our question to you is this: what is EPA's authority to direct the NWIFC LO not to fund this proposal, or to require significant changes to the proposal, or to terminate the project, in light of the direction this project has taken?

Many thanks for any regulatory or policy citations you can point us to,

Lisa